

AMENDED IN ASSEMBLY JUNE 26, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 24, 2006

AMENDED IN SENATE APRIL 4, 2006

**SENATE BILL**

**No. 1393**

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**Introduced by Senator Florez**

February 22, 2006

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An act to amend Section 8919 of the Family Code, and to amend Section 102635 of the Health and Safety Code, relating to intercountry adoptions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1393, as amended, Florez. Intercountry adoptions.

Existing law authorizes, and in some cases requires, a state resident who has adopted a child in a foreign country through an adoption that is finalized in a foreign country to readopt the child in this state. Existing law requires that the readoption include at least one postplacement in-home visit, the filing of the adoption petition, the intercountry adoption court report, accounting reports, and the final adoption order. Existing law prohibits a court from granting a readoption order unless the court receives a specified report from an adoption agency authorized to provide intercountry adoption services.

This bill would specify standards for a petition to readopt by a state resident who adopts a child through an intercountry adoption finalized in a foreign country ~~that has adoption standards meeting or exceeding those of this state~~. *The bill would delete the requirements that the readoption include an intercountry adoption court report and accounting reports, and would instead require the inclusion of a*

*homestudy report. The bill would revise requirements regarding the filing of the adoption petition. The bill would provide that the petition may be granted, if the adoption was finalized in accordance with the foreign country's laws and certain documents are filed with the petition, without requiring an adoption agency report. If a court denies the petition, the bill would require the court to summarize the reasons for its denial on the record.*

Existing law requires the State Registrar to establish a new birth certificate upon receipt of a report of adoption, as specified.

The bill would also require the State Registrar to establish a new birth certificate upon receipt of a readoption order, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8919 of the Family Code is amended to  
2 read:

3 8919. (a) Each state resident who adopts a child through an  
4 intercountry adoption that is finalized in a foreign country shall  
5 readopt the child in this state if it is required by the Department  
6 of Homeland Security. ~~Except as provided in subdivision (c), the~~  
7 *The* readoption shall include, but is not limited to, at least one  
8 postplacement in-home visit, the filing of the adoption petition  
9 ~~pursuant to Section 8912, the intercountry adoption court report,~~  
10 ~~accounting reports, the homestudy report, and the final adoption~~  
11 ~~order. No readoption order shall be granted unless the court~~  
12 ~~receives a report from copy of the homestudy report previously~~  
13 ~~completed for the international finalized adoption by an adoption~~  
14 ~~agency authorized to provide intercountry adoption services~~  
15 ~~pursuant to Section 8900. The court shall consider the previously~~  
16 ~~completed homestudy when deciding whether to grant or deny~~  
17 ~~the petition for readoption.~~

18 ~~(b) Each state resident who adopts a child through an~~  
19 ~~intercountry adoption that is finalized in a foreign country may~~  
20 ~~readopt the child in this state. Except as provided in subdivision~~  
21 ~~(c), the readoption shall meet the standards described in~~  
22 ~~subdivision (a).~~

23 ~~(c) (1) A state resident who adopts a child through an~~  
24 ~~intercountry adoption that is finalized in a foreign country with~~

1 ~~adoption standards that meet or exceed those of this state, as~~  
2 ~~certified by the Department of Social Services, may readopt the~~  
3 ~~child in this state according to this subdivision. The readoption~~  
4 ~~shall include one postplacement in-home visit and the final~~  
5 ~~adoption order.~~

6 ~~(2)~~

7 (b) (1) The petition to readopt may be granted if all of the  
8 following apply:

9 (A) The adoption was finalized in accordance with the laws of  
10 the foreign country.

11 (B) The resident has filed with the petition a copy of both of  
12 the following:

13 (i) The decree, order, or certificate of adoption that evidences  
14 finalization of the adoption in the foreign country.

15 (ii) The child's birth certificate and visa.

16 (C) A certified translation is included of all documents  
17 described in this paragraph that are not in English.

18 (2) *If the court denies a petition for readoption, the court shall*  
19 *summarize its reasons for the denial on the record.*

20 (d) In addition to the requirement or option of the readoption  
21 process set forth in this section, each state resident who adopts a  
22 child through an intercountry adoption which is finalized in a  
23 foreign country may obtain a birth certificate in the State of  
24 California in accordance with the provisions of Section 102635  
25 or 103450 of the Health and Safety Code.

26 SEC. 2. Section 102635 of the Health and Safety Code is  
27 amended to read:

28 102635. A new birth certificate shall be established by the  
29 State Registrar upon receipt of any of the following:

30 (a) A report of adoption from any court of record that has  
31 jurisdiction of the child in this state, another state, the District of  
32 Columbia, in any territory of the United States, or in any foreign  
33 country, for any child born in California and whose certificate of  
34 birth is on file in the office of the State Registrar.

35 (b) A readoption order issued pursuant to Section 8919 of the  
36 Family Code.